



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,740	07/25/2001	Turguy Goker	50103-352	5600

7590 08/15/2002

John A. Hankins  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER

PHAM, MINH CHAU

ART UNIT	PAPER NUMBER
----------	--------------

3654

DATE MAILED: 08/15/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/911,740

Applicant(s)

GOKER ET AL.

Examiner

Minh-Chau Pham

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Oath/Declaration*

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The specification to which the oath or declaration is directed has not been adequately identified, in particular the typographical error of "APPARATUS". See MPEP § 601.01(a).

### *Drawings*

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "414" has been used to designate both a single reel and a guide arm motor (see Fig. 3-4). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "218", "220", "243", "249", and "260" (see Fig. 1); "214", "251", "254", "255", "310", and "313" (see Fig. 2); and "224", "246", "257", "258", "259", and "446" (see Fig. 1-2). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

5. The disclosure is objected to because of the following informalities:
- a. on page 2, line 8, typographical error “take up reel 245” should be “take up reel 242”;
  - b. on page 8, line 15, typographical error “filler 406” should be “filler “402”; and
  - c. inconsistent names for reference character “414” (single reel vs. guide arm motor)(see pages 7-11).

Appropriate correction is required.

***Claim Objections***

6. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 recites the same limitation of “the guide arm and the guide arm motor are arranged to provide drag on a tape being unloaded from the tape drive mechanism” as that in lines 4-7 of claim 9.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 4-8 and 10-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Regarding claim 4, lines 2-3, is “a tape” the same as or different than “a tape” in line 3 of claim 3? If they are the same, applicants need to amend “a tape” in claim 4 to “the tape” to avoid

Art Unit: 3654

confusion. For the purpose of examination, the examiner will assume they are the same.

Dependent claims 5-8, therefore, inherit the indefiniteness.

10. Regarding claim 5, line 3, is “a tape” the same as or different than “a tape” in claims 3 and 4? If they are all the same, applicants need to amend “a tape” in claim 5 to “the tape” to avoid confusion. For the purpose of examination, the examiner will assume they are the same.

Dependent claim 6, therefore, inherits the indefiniteness.

11. Regarding claim 10, line 2, is “a tape” the same as or different than “a tape” in line 5 of claim 9? If they are the same, applicants need to amend “a tape” in claim 10 to “the tape” to avoid confusion. For the purpose of examination, the examiner will assume they are the same.

Dependent claims 11-15, therefore, inherit the indefiniteness.

12. Regarding claim 11, line 2, is “a tape” the same as or different than “a tape” in claims 9 and 10? If they are all the same, applicants need to amend “a tape” in claim 11 to “the tape” to avoid confusion. For the purpose of examination, the examiner will assume they are the same.

Dependent claims 12-15, therefore, inherit the indefiniteness.

13. Claim 13 recites the limitation "the frictional resistance of the guide arm" in lines 2-3 of the claim. There is insufficient antecedent basis for this limitation in the claim. To avoid the lack of antecedent basis, applicants should amend “the frictional resistance of the guide arm” to “frictional resistance of the guide arm”.

14. In claim 16, the limitation "the guide rail" in line 2 and the limitation “the take-up reel” in lines 6-7 have insufficient antecedent basis. For “the guide rail”, applicants need to amend to “a guide rail” to avoid the insufficient antecedent basis. For “the take-up reel”, are applicants referring to “a take-up reel” in line 5 of the claim? For the purpose of examination, the examiner

Art Unit: 3654

will assume so. In addition, in line 6, is “an end of tape” the same as or different than “an end of tape” in line 4 of the claim? For the purpose of examination, the examiner will assume they are the same. Dependent claims 17-20, therefore, inherit the insufficient antecedent basis.

15. Claim 17 recites the limitation "the step of providing tension" in line 2 of the claim.

There is insufficient antecedent basis for this limitation in the claim. Are applicants referring to “the step of applying tension” instead? For the purpose of examination, the examiner will assume applicants are referring to “the step of applying tension”. Dependent claims 18-20, therefore, inherit the insufficient antecedent basis.

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

17. Claims 1-4 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohshita (EP 0 467 143 A2).

Ohshita discloses applicants’ claimed invention, specifically teaching a tape drive mechanism comprising:

a hub filler (3);

Art Unit: 3654

a guide rail (5b);

means for preventing detachment (17)(18)(21) comprising a guide arm (17)(18) and a guide arm motor (21); and

a tape (2);

wherein the guide arm and the guide arm motor are arranged to provide drag on the tape being unloaded from the tape drive mechanism (col. 4, lines 32-40).

With respect to claims 4 and 11, cartridge (1) inherently has a motor [see Fig. 3, the arrow of (1)] in order to unload the tape (2) from the tape drive mechanism. Therefore, the guide arm (17)(18) and the guide arm motor (21) are arranged to be dragged (via the motor in the cartridge) by the tape being unloaded from the tape drive mechanism.

18. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Theobald (US 6,082,652).

Theobald discloses applicants' claimed invention, specifically teaching a tape drive mechanism (100) and a method of preventing detachment of an end of tape from a hub filler during an unloading operation, comprising:

a hub filler (106)(114);

a guide rail (118); and

means for preventing detachment (116)(122)(see Fig. 3) comprising a guide arm (122) and a guide arm motor [see Fig. 2, the load motor coupled to (122)](col. 4, lines 6-10);

wherein the guide arm and the guide arm motor are arranged to provide drag/tension on a tape and to be dragged/tensioned by the tape being unloaded from the tape drive mechanism.

Art Unit: 3654

With respect to claims 5, 7, 12, 14, and 18-19, Theobald's tape drive mechanism inherently has a controller to control the guide arm motor, a take-up reel motor [Fig. 1, the motor coupled to (112)], and a cartridge motor [Fig. 1, the motor coupled to (104)] during the unloading and the loading operation (col. 4, line 38-col. 5, line 25), and the guide arm motor provides tension on the tape by electrical induction and by magnetic resistance.

With respect to claims 6, 8, 13, and 15, the applied force to the hub filler is in an opposite direction to a direction that the hub filler is traveling in the unloading operation.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rinkleib et al. (US 4,608,614), Hamming (US 6,079,651), and Hamming et al. (US 6,378,796) are cited to show tape drive mechanisms having guide arms with guide arm motors; and Smith (US 4,679,747), Smith (US 4,826,101), and Smith (US 4,828,201) are cited to show tape drive mechanisms having guide arms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau Pham whose telephone number is (703) 305-0766. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Application/Control Number: 09/911,740

Page 8

Art Unit: 3654

A handwritten signature in black ink, appearing to read 'Minh-Chau Pham', with a stylized flourish at the end.

Minh-Chau Pham

Examiner

Art Unit 3654

pmc

August 11, 2002